

REMARKS

The Office Action mailed on August 15, 2008 has been reviewed. Claims 2-4, 6-8, 10, 14, 19, 20, 24-29, 42-44, 47-49, 51-55, 58, 59, and 61-64 were pending in this application. Applicant has cancelled claims 42-44, 47-49, and 51. Claims 6, 14, 54, and 59 have been amended.

Claim Objections

Claims 6 and 14 were objected to because the linear amplifier did not claim an output. Applicant has amended these claims to specifically call out the output.

Claims 42-44, 47-49, 51, and 55 were objected to under 37 CFR 1.75 as being substantial duplicates of claims 2-4, 6-8, 10, and 14. Applicant has cancelled claims 42-44, 47-49 and 51. Further, Applicant respectfully traverses the assertion that claim 55 and claim 14 are substantial duplicates. Claim 55 calls for a "delay element coupled between said pulse-spreading filter and said combining circuit." There is no such limitation in claim 14. Therefore, claim 55 is not a substantial duplicate of claim 14 and claim 55 has not been canceled.

Reissue Oath/Declaration

Claims 2-4, 6-8, 10, 14, 19, 20, 24-29, 42-44, 47-49, 51-55, 58, 59, and 61-64 were rejected as being based upon a defective reissue Declaration under 35 USC § 251. The Examiner indicated that a supplemental reissue oath/declaration is required before the application can be allowed. Applicant is submitting herewith a reissue declaration signed by the Applicant. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 54 and 59 were rejected under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Serial No.: 10/718,507

Filing Date: 11/19/2003

Attorney Docket No. 125.135USR1

Title: CONSTRAINED-ENVELOPE DIGITAL-COMMUNICATIONS TRANSMISSION
SYSTEM AND METHOD THEREFOR

With respect to claim 54, the Examiner asserts that “said phase mapper” lacks antecedent basis. Applicant has amended claim 54 to depend from claim 53 to provide proper antecedent basis.

With respect to claim 59, the Examiner asserts that “filtering an error signal having one error pulse per unit baud interval” is vague and indefinite as there is unclear antecedent in claim 61. Also, the Examiner asserts that “said filtering step” in claim 59 is unclear because there are two filtering steps in claim 61. First, Applicant asserts that “filtering an error signal having one error pulse per unit baud interval” has proper antecedent basis in claim 61 because this phrase is a further limitation on “said generating step” in claim 61 and does not refer to either filtering step in claim 61. Further, Applicant has amended “said filtering step” in claim 59 to make it clear that this is referring to the filter step called out in claim 59.

Withdrawal of the rejections under 35 U.S.C. §112, second paragraph is respectfully requested.

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CONCLUSION

Applicant respectfully submits that claims 2-4, 6-8, 10, 14, 19-20, 24-29, 52-55, 58, 59, 61-64 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: November 11, 2008

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